

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ADMINISTRATION

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 10, Department of Administration – Risk Management Section
Article and its heading: 1, Coverage and Claims Procedure
Section numbers: R2-10-101, R2-10-106 and R2-10-108. As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. R2-10-101 contains the definitions. The subject matter of R2-10-106 establishes the valuation basis for personal and real property coverage and the procedure for determining the method of repair or replacement of covered property and lists the types of property that are excluded from coverage provided by the state's self insurance. The subject matter of R2-10-108 establishes the conditions under which a deductible of up to \$10,000 may be assessed to an agency and what actions the agency may take to have its deductible waived.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: John Kindree, Administrative Manager
Address: Arizona Department of Administration – Risk Management Section
100 N. 15th Ave., 3rd Floor, Suite 301
Phoenix, AZ 85007
Telephone: (602) 542-1492
Fax: (602) 542-1473
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item #4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.

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DEPARTMENT OF ADMINISTRATION

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 10, Department of Administration – Risk Management Section
Article and its heading: 2, Loss Prevention
Section numbers: R2-10-207. As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The subject matter of R2-10-207 establishes the basis for the development of effective loss prevention programs at each state agency. The rule requires each agency to include certain specific elements and to develop procedures for investigating and reporting accidents, maintaining records and preparing emergency plans for reasonably foreseeable perils.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: John Kindree, Administrative Manager

Notices of Rulemaking Docket Opening

Address: Arizona Department of Administration – Risk Management Section
100 N. 15th Ave., 3rd Floor, Suite 301
Phoenix, AZ 85007

Telephone: (602) 542-1492

Fax: (602) 542-1473

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item #4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

4, Game and Fish Commission

Article and its heading:

2, Miscellaneous Licenses and Permits

Section numbers:

R12-4-201, R12-4-202, R12-4-203, R12-4-208, R12-4-216, R12-4-217; As part of this rulemaking, the Department may add, amend, delete, or renumber additional Sections as may become necessary.

2. The subject matter of the proposed rule:

R12-4-201. Amendments related to pioneer licenses
R12-4-202. Amendments related to disabled veteran's licenses
R12-4-203. Amendments related to the National Harvest Information Program
R12-4-208. Amendments related to guide licenses
R12-4-216. Amendments related to crossbow permits
R12-4-217. Amendments related to challenged hunters access/mobility permits.

As part of this rulemaking, the Department may add, amend, delete, or renumber additional Sections as may become necessary.

The agency docket number:

Docket Z

3. A citation to all published notices relating to the proceeding:

Not applicable

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mark E. Naugle

Address: Arizona Game and Fish Department
2222 W. Greenway Rd. DORR
Phoenix, AZ 85023

Telephone: (602) 789-3289

Fax: (602) 789-3677

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is yet to be determined and will be published when scheduled.

6. The timetable for agency decisions or other action on the proceeding:

To be Determined.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

4, Game and Fish Commission

Article and its heading:

3, Taking and Handling of Wildlife

Section numbers:

The Department is amending this Article under a petition for rule, and thus has not yet determined what Sections will be affected by this

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rulemaking. Therefore, the Department may add, amend, delete, or renumber additional Sections as may become necessary to achieve the objective of this rulemaking.

2. The subject matter of the proposed rule:

Amendments related to restricting the use of spotlights to take wildlife.

3. A citation to all published notices relating to the proceeding:

Not applicable

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mark E. Naugle
Address: Arizona Game and Fish Department
2221 W. Greenway Road DORR
Phoenix, AZ 85023
Telephone: (602) 789-3289
Fax: (602) 789-3677

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.

6. The timetable for agency decisions or other action on the proceeding:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

4, Game and Fish Commission

Article and its heading:

4, Live Wildlife

Section numbers:

R12-4-401, R12-4-402, R12-4-403, R12-4-404, R12-4-405,
R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-410,
R12-4-411, R12-4-413, R12-4-414, R12-4-415, R12-4-416,
R12-4-417, R12-4-418, R12-4-419, R12-4-420, R12-4-421,
R12-4-422, R12-4-423, R12-4-424, R12-4-425, R12-4-426,
R12-4-427, R12-4-428, R12-4-430. As part of this rulemaking,
the Department may add, amend, delete, or renumber additional
Sections as may become necessary.

2. The subject matter of the proposed rule:

R12-4-401. Amendments related to live wildlife definitions
R12-4-402. Amendments related to prohibited acts with live wildlife
R12-4-403. Amendments related to escaped or released live wildlife
R12-4-404. Amendments related to possession of live wildlife taken on an Arizona hunting or fishing license
R12-4-405. Amendments related to importing, purchasing, and transporting live wildlife without an Arizona license or permit
R12-4-406. Amendments related to restricted live wildlife
R12-4-407. Amendments related to exemptions from special license requirements for restricted live wildlife
R12-4-408. Amendments related to holding wildlife for the Department
R12-4-409. Amendments related to general provisions and penalties for special licenses
R12-4-410. Amendments related to aquatic wildlife stocking permits.
R12-4-411. Amendments related to minnow dealer's licenses
R12-4-413. Amendments related to private game farm licenses
R12-4-414. Amendments related to shooting preserve licenses
R12-4-415. Amendments related to field trial licenses
R12-4-416. Amendments related to field trial training permits
R12-4-417. Amendments related to wildlife holding licenses
R12-4-418. Amendments related to scientific collecting permits
R12-4-419. Amendments related to wildlife hobby licenses
R12-4-420. Amendments related to zoo licenses.
R12-4-421. Amendments related to wildlife service licenses.
R12-4-422. Amendments related to sport falconry licenses.
R12-4-423. Amendments related to wildlife rehabilitation licenses
R12-4-424. Amendments related to white amur stocking licenses

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- R12-4-425. Amendments related to restricted live wildlife lawfully possessed without license or permit prior to effective date of Article 4
R12-4-426. Amendments related to possession of primates
R12-4-427. Amendments related to rehabilitation exemptions.
R12-4-428. Amendments related to captivity standards
R12-4-430. Amendments related to importation, handling, and possession of cervids.

As part of this rulemaking, the Department may add, amend, delete, or renumber additional Sections as may become necessary.

The agency docket number:

Docket A

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mark E. Naugle
Address: Arizona Game and Fish Department
2221 W. Greenway Road DORR
Phoenix, AZ 85023
Telephone: (602) 789-3289
Fax: (602) 789-3677

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.

6. The timetable for agency decisions or other action on the proceeding:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation – Commercial Programs
Article and its heading: 2, Motor Carriers
Section numbers: R17-5-203 and R17-5-210

2. Subject matter of the proposed rule:

Arizona Department of Transportation (ADOT) Motor Vehicle Division (MVD) engages in rulemaking each year to incorporate sections of the updated edition of the Code of Federal Regulations (CFR), Title 49 by reference into Arizona Motor Carrier Safety and Hazardous Materials Transportation administrative rules.

The ADOT/MVD, Motor Carrier & Tax Services program oversees various motor carrier issues including, with enforcement by the Department of Public Safety (DPS), motor carrier vehicle and commercial driver license safety issues. Annually, the Division adopts Federal changes or updates to the CFR to follow the Federal Motor Carrier Safety Administration (FMCSA) requirements for safety.

The rules in this package clarify an exemption from Federal hours of service provisions for the utility industry. Arizona Revised Statutes (A.R.S.) § 28-5234 provides under subsection B for a public service corporation, a political subdivision of this state that is engaged in rendering public utility service or a railroad to identify an emergency situation, which would allow it to exceed Federal hours of service requirements for drivers of commercial vehicles used only for intrastate travel. The statute requires that the company be rendering utility service and that it interact with the proper state or local official. The utility industry in Arizona has requested guidance in the implementation of these provisions as well as an exemption for intrastate travel from the new Federal hours of service requirements. This rulemaking provides the guidance requested. This is a joint effort between ADOT, DPS and the utility industry in Arizona. This rulemaking does not arise from a five-year review.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 10 A.A.R. 2874, July 16, 2004 (*in this issue*)

4. The name and address of agency personnel to whom persons may communicate regarding the rule:

Name: Brent P. Heiss, Department Rules Analyst

Notices of Rulemaking Docket Opening

Address: Arizona Department of Transportation
Administrative Rules Unit
3737 N. 7th St., Suite 160
Phoenix, AZ 85014

Telephone: (602) 712-7941

Fax: (602) 241-1624

E-Mail: bheiss@dot.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Oral and written comment may be directed to the officer listed in item #4, Monday through Friday, 8 a.m. through 4:30 p.m.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined.